

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CHARLOTTE BENNETT,

Plaintiff,

-v-

ANDREW M. CUOMO, MELISSA DEROSA, JILL
DESROSIERS, and JUDITH MOGUL,

Defendants.

CIVIL ACTION NO.: 22 Civ. 7846 (VSB) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

Before the Court is Plaintiff's request for a conference to set a briefing schedule for her anticipated motion to compel relating to a document subpoena (the "Subpoena") that she served on non-party Madeline Cuomo ("Ms. Cuomo"), the sister of Defendant Andrew M. Cuomo ("Defendant Cuomo"). (ECF No. 115 (the "Request")). According to Plaintiff, the Subpoena seeks "Ms. Cuomo's communications with Defendant Cuomo and WDNY [We Decide New York, Inc.] directing a smear campaign against Plaintiff[,]" which, Plaintiff argues, are "relevant to Plaintiff's retaliation claims against Defendant Cuomo." (Id. at 2).

Ms. Cuomo opposes the Request, and intends to cross-move to quash the Subpoena if the Court determines motion practice is necessary. (ECF No. 124 at 1). Ms. Cuomo states that "she has maintained a practice for many years of deleting text messages and emails after review." (Id. at 2). Ms. Cuomo has represented to Plaintiff's counsel that she possesses no documents responsive to the Subpoena's first request, which seeks "[a]ll Documents or Communications between [Ms. Cuomo] and Defendant Cuomo in the relevant time period relating to or naming [Plaintiff.]" (Id.) With respect to the remaining requests, Ms. Cuomo argues that she "should not

suffer the burden of review and coding of the many pages in miniscule-point type to extract responsive materials.” (Id. at 2).

In order to assess, inter alia, the burden that responding to the Subpoena would impose on Ms. Cuomo, the Court orders as follows:

1. Ms. Cuomo shall search for documents and communications potentially responsive to the Subpoena (the “Search”).
2. Plaintiff and Ms. Cuomo shall promptly meet and confer to agree on the timeframe and search terms to be used for the Search.
3. By **November 14, 2023**, Plaintiff and Ms. Cuomo shall file a joint letter (the “Letter”), no longer than three (3) pages, reporting on (i) the results of the Search and (ii) any further discussions regarding Ms. Cuomo’s willingness to respond to the Subpoena voluntarily.
4. The Request is HELD IN ABEYANCE pending the Court’s review of the Letter.

Dated: New York, New York
October 30, 2023

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge